

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK
PROBATION OFFICE

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CHIEF PROBATION OFFICER

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February 9, 2016

Honorable Thomas J. McAvoy
Senior U.S. District Judge
15 Henry Street
Binghamton, New York 13901

RE: Goldman, Jay
Docket#: 1:15-CR-00017-001
Request for Removal of Condition

Dear Judge McAvoy,

On August 11, 2015, the above named defendant was sentenced by Your Honor to a two year term of probation subsequent to his guilty plea to Transmission of Wagering Information , 18 U.S.C. §§ 1084(a) & 2. The defendant has satisfied all financial obligations ordered by the Court.

This letter is in response to defense counsel's motion dated February 2, 2016 concerning the defendant's condition of probation which prohibits him from gambling for the first year of supervision. The defendant notes his gambling has nothing to do with his conviction. I would argue the opposite and refer to the presentence investigation which details his offense while residing in Florida. Particularly the following:

The defendant also participated in the illegal gambling business from his Florida residence where he used his cellular telephone to conduct his illegal gambling business across state lines. During these calls, bets and wagers were placed by or made with the defendant and information which assisted in the placing of bets or wagers on sporting events was discussed.

Additionally, as noted below, in the Acceptance of Responsibility section of the presentence report the defendant describes how he met codefendant Gould at a poker game:

Goldman met Alan Gould at a poker game in Saratoga sometime between approximately 1984 and 1988, at which time Gould was living in Albany and attended Goldman's weekly poker game. The two thereafter became friends and Goldman noted Gould "saw the defendant was betting small...the underdogs...and liked what he did." Gould also reportedly liked Goldman's methods of using "charts and spreads," and Goldman showed Gould how he operated. They both became involved in online sports betting....

Secondly, defense counsel notes the defendant's desire to engage in gambling with friends is a social outlet. I would point out the community in which he resides offers a plethora of activities he can engage in with friends. Specifically, he can partake in shuffle board, tennis, golf and swimming, all of which do not involve an element of gambling which is the cause of his federal conviction.

Thirdly, defense counsel notes the defendant's supervising officer in Florida has no objection to the defendant's request to gamble. This office contacted the defendant's supervising officer who

advised he is adamantly opposed to this modification and feels defense counsel has completely misrepresented how he would respond to such request.

Lastly, the defendant's effort to file a motion with the Court requesting to gamble shows his drive and dedication to gambling. One is left to wonder why his "social outlet" has to include gambling.

The defendant's condition to refrain from gambling serves not only as a punitive measure but to curb the likely hood of recidivism. As such, we are opposed to the defendant's request of removing the gambling conviction. If you require additional information, please contact the undersigned officer at (518) 257-1728.

Respectfully submitted,



Kendra L. Rennie
U.S. Probation Officer

Approved by:



Christopher V. McNeill, Supervising U.S. Probation Officer